

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AIRICA ROGERS-McCANE,)	
)	
Plaintiff,)	
)	
vs)	Civil Action No. 23-2006
)	
DELUCA'S DINER, LLC, d/b/a DELUCA'S)	Magistrate Judge Dodge
DINER and CHRISTI DOE,)	
)	
Defendants.)	

ORDER

On November 20, 2023, Plaintiff Airica Rogers-McCane filed a Complaint against Deluca's Diner, LLC d/b/a Deluca's Diner and Christi Doe, raising claims under the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act, the Pennsylvania Wage Payment and Collection Law, as well as common law claims arising out of her employment at Deluca's Diner.

Plaintiff represents that service was made upon both Defendants and thus, their responsive pleadings were due by December 26, 2023. On December 21, 2023, the Court received a packet of materials from Chris Tambellini, who states that he is the owner of Deluca's Diner (ECF No. 6). The submission has been lodged on the docket. It is unclear if these materials are intended as a responsive pleading and whether they were submitted on behalf of both Defendants or only on behalf of Deluca's Diner. However, the case cannot proceed in its current posture.

As the Supreme Court has noted, "courts have uniformly held that 28 U.S.C. § 1654, providing that 'parties may plead and conduct their own cases personally or by counsel,' does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney." *Rowland v. California Men's Colony, Unit II Men's Advisory*

Council, 506 U.S. 194, 202 (1993) (citations omitted). *See also Dougherty v. Snyder*, 469 F. App'x 71, 72 (3d Cir. 2012) (clarifying that this rule “applies to LLCs, even those with only a single member, because even single-member LLCs have a legal identity separate from their members.”); *Murray on behalf of Purnell v. City of Philadelphia*, 901 F.3d 169, 170 (3d Cir. 2018) (“Although an individual may represent herself or himself pro se, a non-attorney may not represent other parties in federal court.”)

Accordingly, neither DeLuca’s Diner nor Christi Doe may be represented in this action by Chris Tambellini, who is not a named Defendant and does not represent himself to be a licensed attorney who is admitted to practice in this Court. While Ms. Doe may represent herself if she chooses to do so, DeLuca’s Diner must be represented by counsel. Thus, the Court will extend the time for a responsive pleading so that DeLuca’s Diner (and Ms. Doe, if she elects to do so), may retain counsel and file an appropriate response to the Complaint.

And now, this 27th day of December, 2023, IT IS HEREBY ORDERED that the time within which Defendants shall retain counsel and respond to the Complaint is extended until January 26, 2024.

BY THE COURT:

s/Patricia L. Dodge
PATRICIA L. DODGE
United States Magistrate Judge

Cc: Chris Tambellini
DeLuca’s Diner
2015 Penn Avenue
Pittsburgh, PA 15222